

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHARYLL PRIMUS)	CASE NO. 5:17-CV-2434
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
U.S. DEPARTMENT OF HOUSING)	ORDER ADOPTING REPORT AND
AND URBAN DEVELOPMENT, et al.,)	RECOMMENDATION
)	
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge William H. Baughman, Jr., which was issued on August 2, 2018 (ECF #29). Plaintiff, Sharyll Primus (hereafter “Ms. Primus”) has not filed an Objection to the Report and Recommendation.¹ For the following reasons, the Report and Recommendation is hereby ADOPTED.

Ms. Primus filed a *pro se* action against the United States Department of Housing and Urban Development (“HUD”) and the Portage Metro Housing Authorities (“PMHA”), appealing an order entered against Ms. Primus by PMHA removing her from the Section 8 housing assistance program. (ECF #1). HUD argues that this matter should be dismissed for lack of subject matter jurisdiction and failure to state a claim. (ECF #7).

Magistrate Judge Baughman, Jr., ruled in the Report and Recommendation that Primus was required to show that “a statutory grant of jurisdiction exists, and that the government has expressly and unequivocally waived its immunity with regarding to the type of claim [she] wishes to raise.” (ECF #29, p. 3). The Report goes on to state that “the complaint here does not identify any legal basis for proceeding against HUD in this matter arising out of a decision by

¹ The Motion filed by Ms. Primus on August 14, 2018, ECF #30, does not constitute an Objection to the Report and Recommendation, as it does not refer to the ruling therein.

PMHA," nor does it show that any specific waiver of sovereign immunity exists. Therefore, Magistrate Judge Baughman, Jr., correctly ruled that the Complaint should be dismissed for lack of jurisdiction.

For these reasons, this Court ADOPTS the Report and Recommendation of Magistrate Judge Baughman, Jr. (ECF #29).

As to Ms. Primus' Motion to allow time to consult with potential attorney, (ECF #30), that Motion is DENIED as moot.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Court

Date: August 28, 2018